

Abstract (English)

Regulation of damages in the field of competition law in Czech and French law with regard to European regulation

The purpose of this thesis is to analyze particular elements of actions for damages for infringements of the competition law, mainly those, which are contained in the Proposal for a directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union. Given that a directive is source of law sui generis that needs to be transposed into national legislations, it seems convenient to attempt to illustrate its effects on particular national legislations. The paper deals with actual states of legislation in the Czech republic and in France and attempts firstly to discover existing elements of the legislation and secondly on the other hand to indicate some missing or problematic parts.

The thesis is, besides introduction and conclusion, composed of five main chapters. Chapter two observes the conception and evolution of the competition law in the European Union and particularly the origin of thoughts about private enforcement of the competition law. Chapter three focuses on the case law of Court of justice of the European Union that is the usual prophet of the future legislative development. Author demonstrates that this was also the case of private enforcement. Chapter four describes constitutive elements of the obligation to compensate damages. The main part of the thesis is chapter five which deals with particular elements aiming to facilitate the position of the plaintiff, i.e. disclosure of evidence, effect of national decisions, limitation periods, joint and several liability, passing-on of overcharges, quantification of harm and consensual dispute resolution. Firstly author analyzes the above-mentioned elements in general and thereafter with respect to actual state of Czech and French legislation. Chapter six attempts to briefly open the topic of possible conflict of private and public enforcement, particularly with respect to leniency programs.

Key words: private enforcement, action for damages, competition